

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Robert Sam Raisch, Jr.,

Civil No. 10-1979 (PAM/JJK)

Petitioner,

v.

ORDER

John King, Warden,

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Jeffrey J. Keyes dated March 10, 2011. In the R&R, Magistrate Judge Keyes recommended that Petitioner’s Petition for Writ of Habeas Corpus¹ be denied. Petitioner has failed to file objections to the R&R in the time period permitted. The Court therefore **ADOPTS** the R&R (Docket No. 11).

Having failed to object to the R&R, Petitioner is not entitled to a certificate of appealability. See Fed. R. Governing § 2254 Cases in the U.S. District Courts 11(a) (requiring district court to issue or deny certificate of appealability when it enters final order adverse to petitioner).

¹ As the Magistrate Judge properly noted, although submitted under 28 U.S.C. § 2241, this action challenges a state court criminal conviction and is thus reviewed under 28 U.S.C. § 2254.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Petition for Writ of Habeas Corpus (Docket No. 1) is **DENIED**; and
2. The Court will not issue a Certificate of Appealability in this matter; and
3. This matter is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Thursday, March 31, 2011

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge